

## **I. Introduction**

This request for proposals (RFP) is issued by the New Hampshire Judicial Branch (NHJB) through the Administrative Office of the Courts (AOC) to solicit proposals from professional services that are highly qualified to provide transcription services to the NHJB.

## **II. Background**

The NHJB is a unified court system. It is centrally funded by the State of New Hampshire. Information concerning the NHJB can be found at the court's website at <http://www.courts.state.nh.us>.

In 2005, the estimated annual volume of pages that were transcribed from court proceedings was approximately 200,000. This figure varies from year to year and is not intended to be a guarantee of the amount of work in the future.

## **III. Statement of Work**

### **A. Requests**

Transcript requests come from two primary sources: the requesting party or the New Hampshire Supreme Court in appeal cases. In some instances, trial courts or other government units will request transcripts and will be responsible for payment. The vendor should expect to receive a notice from the trial court or the Supreme Court, in most cases, before beginning work on a transcript.

### **B. Collection of Deposit**

The vendor will receive, and hold in escrow, funds based on the estimate of the cost of the transcript provided from the trial court or the Supreme Court.

It is understood that work will not begin on any transcript where a deposit has not been received or the method of payment has not been specified by the court.

### **C. Preparation**

Vendor will notify the trial court and the Supreme Court in appeal cases within one business day of receipt that a deposit has been received and will request that the case be sent to the vendor. The trial court will send the case to the vendor after notification and will inform the vendor and the Supreme Court when the case has been sent. All notifications to and from the vendor may be through electronic transmissions. The case will consist of the recording materials, and may include associated log notes, witness

and exhibit logs, and any other relevant materials needed for the production of the transcript.

Vendor will prepare the transcript according to the following schedule:

Expedited – within 14 calendar days from the date the case is sent to the vendor from the court.

Supreme Court appeal and non-appeal cases – within 45 calendar days from the date the case is sent to the vendor from the court.

Vendors must include in their proposal the rates and time frames for transcript production overnight or within shorter periods of time than the 14 calendar days.

#### **D. Format of Transcript**

The transcript shall be prepared in the format that is outlined in attachment A to this document to include, but not limited to, line and word spacing, number of lines per page, margins, font, etc. Deviations from this format will not be accepted.

The transcript shall contain a certification from the individual transcriber as outlined in attachment A.

Procedures for transcribing inaudibles:

The following procedures should be followed when a transcriptionist is having difficulty deciphering portions of the recording.

1. Contact the monitor or court where the record was taken.
2. Request assistance with the spelling of names, terms or any missing documents that would be helpful.
3. Request a new audiotape if the quality of the tape appears to be poor or,
4. Request the assistance of someone at the court who has access to the recording and can listen to the portions in question.
5. Finally, make certain to communicate with the appropriate contact person the specific problem areas encountered with the equipment or the log notes. This will be particularly important in assessing any problems the court may be having with its equipment or other issues.

## **E. Dissemination of Transcript**

All parties in a case, including the trial court and the Supreme Court in an appeal, will be furnished with a digitally signed copy of the transcript on a compact disk in Adobe Portable Document Format (PDF). This will be considered the official transcript. Additional forms of the transcript may be requested by the parties in accordance with the services and fees that are offered by the vendor.

### **1. For appeal cases:**

The Supreme Court shall be furnished with a digitally signed PDF copy of a compact disk. The transcript in paper form shall also be sent to the Supreme Court. Additional forms of the transcript may be requested by the parties in accordance with the services and fees that are offered by the vendor.

### **2. For non-appeal cases:**

The trial court shall receive the transcript as a digitally signed PDF on a compact disk that will be considered the official transcript. Additional forms of the transcript may be requested by the parties in accordance with the services and fees that are offered by the vendor.

Upon completion of the transcript, vendor will prepare an invoice according to the number of pages. The vendor will collect additional funds from the parties if more money is needed before the dissemination of the transcript. If a refund is due to the parties, a refund check will be issued at the time the transcript is disseminated.

The vendor will be responsible for all mailing and postage costs associated with sending the original case materials and transcripts to the courts and to the parties.

The vendor will be required to sign a confidentiality statement regarding transcripts of proceedings that are confidential as well as recordings of confidential proceedings that are included with recordings to be transcribed.

All tapes, compact disks, log notes and any other materials related to the case are the property of the trial court. Upon completion of the transcript, the vendor is not authorized to sell or distribute any part of the case or the transcript without prior authorization from the trial court.

## **F. Reporting**

The vendor shall maintain a record of all monies and cases it receives and will provide to the NHJB the following information through an electronic format (updated weekly):

Name of court, name of case, docket numbers (trial court and Supreme Court), amount and date of deposit received, date court is notified to send case, date case is received, date transcript is due, number of pages at completion, final cost of transcript, date transcript is sent to parties, amount of refund or additional funds to be collected.

## **G. Indigent Cases**

In cases where the court has determined that the requesting party is indigent, the transcript request will indicate that the payment is to be made by the State. In these instances a transcript will be prepared based on this representation that the State will pay for the transcript.

Upon completion of the transcript, the vendor shall complete a statement on a prescribed form that will be sent to the trial court for approval. Payment will be made by the Judicial Council, as a separate entity from the Judicial Branch.

# **IV. Proposals**

## **A. Terms and Requirements**

Consistent with NHJB policy, the purpose of this RFP is to encourage free and open competition among vendors. Specifications, proposals, and conditions are designed to accomplish this objective, consistent with the NHJB needs and guidelines.

The vendor's signature on a proposal submitted in response to this RFP constitutes vendor's representations that:

1. All prices have been established without collusion with other eligible vendors and without effort to preclude the NHJB from obtaining the best possible competitive proposal.
2. Vendor is not aware of any potential conflicts of interest which might arise out of work performed or being performed for any other clients or contracts or due to a past or present relationship of any sort between employees or representatives of the vendor, and judges or non-judicial employees of the State of New Hampshire, except those conflicts of interest which have been fully disclosed in the response to the RFP.

3. Vendor will not offer any gratuity, service, or special benefit to any judge or non-judicial employee of the NHJB.
4. The NHJB shall not be held liable for any costs incurred by the vendor in the preparation of a proposal, or for work performed prior to the contract effective date. All costs of preparing a proposal in response to this RFP are to be borne by the vendor and may not be included in the proposal price.
5. The successful vendor is solely responsible for meeting all terms and conditions specified in this RFP, its proposal, and any resulting contract. The successful vendor may not subcontract any portion of the resulting contract to any other firm or person without the written approval of the AOC.
6. All material received in response to this RFP will become the property of the NHJB and will not be returned to the vendor. The vendor selection committee may use any information elicited by this RFP to determine the solution that best meets the needs of the NHJB.
7. This RFP does not commit the NHJB to award a contract.
8. Documents, which constitute the contract between the parties, include, as a minimum, this RFP, the vendor's response, the summary of negotiation, and any and all additional materials submitted by the vendor.
9. Any contract awarded as the result of the RFP will be originated by the AOC. It shall be governed by the law of the State of New Hampshire and approved by the Office of General Counsel for the Supreme Court of New Hampshire.
10. Vendor will provide the AOC with completed waivers that will enable the AOC to conduct criminal records checks of all personnel who will work on this project.

## **B. Content and Format**

Each proposal prepared in response to this RFP must include the elements listed below, in the order indicated. The vendor selection committee reserves the right to reject any proposal which, in the sole discretion of the vendor selection committee, fails to respond to the requirements of this RFP. The vendor selection committee further reserves the right to seek clarification of any proposal or to negotiate with any vendor. Finally, the vendor selection committee intends to select the vendor that is best equipped to deliver the highest quality products at reasonable cost. The vendor selection committee will not allow the technical requirements of this RFP to interfere with that objective.

## **1. General Information:**

- a. Proposal Submission: Interested parties must submit a response to this RFP July 31, 2006. Five copies of hard copy proposals and all related documents shall be delivered to:

Transcript Services, c/o Administrative Office of the Courts, Two Charles Doe Place, Concord, NH 03301.

- b. Cover Page: The first page of a vendor's proposal must be a cover page displaying the following:

Response to RFP for Transcription Services for the NHJB

Vendor's Name:  
Contact Person:  
Telephone Number:  
Address:  
Fax Number:  
Email Address:

All subsequent pages of a proposal must be numbered.

- c. Transmittal Letter:

The transmittal letter must be brief and must be signed by a person authorized to commit the organization to perform the work specified in the RFP. It shall identify all materials and enclosures that comprise the proposal. The letter must also identify the individual who will serve as the vendor's representative in all matters relating to this RFP.

- d. Table of Contents:

The vendor must provide a table of contents with corresponding page numbers relating to each section of its proposal. The vendor must also provide a schedule of appendices if applicable.

## **2. Vendor Profile/Overview**

The vendor must provide the following information concerning the vendor and the personnel who will be assigned to this project.

- a. This section must include a brief history of the vendor and a description of the vendor's present organizational structure.

- b. A statement of the vendor's willingness and ability to procure a bond to guarantee performance of all components of the contract which may arise out of the response to this RFP.
- c. A statement of the vendor's willingness and ability to procure a bond to guarantee the security of the funds deposit.
- d. A summary of any litigation, previous or outstanding, relating to vendor's performance of professional services contracts, or an account of why this information is not provided.

### **3. Vendor Qualifications**

A vendor must provide the following information concerning a vendor's qualifications.

- a. The names and curriculum vitae of each employee of the vendor who will work on this project, including the experience, education, and professional qualifications each employee has in providing transcript services;
- b. The identity of the manager of this project, including his or her qualifications, highlighting similar projects successfully managed;
- c. A minimum of five references, including name, address, and telephone numbers of prior or present customers.

### **4. Project Methodology**

Vendor must incorporate this RFP into its proposal and specifically identify any part or parts of this RFP that the vendor is unwilling or unable to deliver.

Vendor will detail how they propose to comply with the financial and reporting requirements.

### **5. Cost Proposal**

Vendor must furnish a complete description of all fees to be charged by the vendor for performance of transcription services.

The vendor selection committee reserves the right to review all aspects of the cost proposal for reasonableness, to request clarification of any part or parts of the cost proposal, and to negotiate cost terms.

The NHJB encourages vendors to be as creative as possible regarding costs, as cost efficiency will be a consideration in selecting a vendor. Alternative cost proposals that will increase efficiency such as offering additional formats for the transcripts will be considered.

## **6. Certificate of Authority**

Out of State vendors must have a valid Certificate of Authority, as required by New Hampshire law, RSA 293-A:15.03 Application for Certificate of Authority. RSA 293-A:15.03

The form for applying for a Certificate of Authority can be acquired through the New Hampshire Secretary of State's website at <http://www.state.nh.us/sos/corporate/index.htm> (form 40v2.pdf).

The fee for an Application for Certificate of Authority is currently \$85.00. This requirement may be satisfied by applying for a Certificate of Authority immediately upon signing a contract to provide the services called for in this RFP.

## **7. Supplemental Information**

A vendor may furnish such supplemental information as the vendor believes will be valuable to the vendor selection committee in evaluating its qualifications, the qualifications of its personnel, and the merits of its proposal. In this section a vendor may feature those elements of its firm, its personnel, or its proposal which distinguish it from other vendors likely to submit proposals.

The vendor selection committee reserves the right to request additional information from any and all vendors during the vendor selection process. Furthermore, the vendor selection committee may require vendors or their representatives to make presentations to committee members concerning their proposals.

Vendor proposals shall remain valid for 90 days from the due date of this RFP.

As a supplement to any proposal that conforms to this RFP, NHJB seeks proposals to streamline or otherwise make more efficient the transcript procurement process.

## **V. Vendors' Conference**

The NHJB will host a vendors' conference at the Administrative Office of the Courts at 1:00 p.m. on July 17, 2006 to answer vendor's questions, including those related to proposal requirements and NHJB transcript procedures.

## **VI. Vendor Selection**

Proposals will be evaluated and a vendor selected based upon the demonstrated ability of the vendor to satisfy the specifications of this RFP. The vendor selection committee will consider the vendor's response to this RFP, vendor reference reports, vendor interviews, and any other material or information gathered by the vendor selection committee.

The NHJB seeks the best quality services, at the best rate and will not necessarily select the lowest priced vendor.

The NHJB may decide to seek "best and final offers" from vendors submitting proposals. The "best and final offer" would provide a vendor the opportunity to amend or change its proposal to make it more acceptable to the NHJB. The NHJB reserves the right to pursue or not to pursue this option.

The AOC reserves the right to reject any and all proposals and to negotiate the terms or price with any vendor and to include the results of these negotiations in a contract. The AOC further reserves the right to seek clarification of any proposal or negotiate with any vendor.

The vendor selection criteria include, but are not restricted to:

### **A.**

Vendor's responsiveness to this RFP;

Vendor's experience in providing similar services;

Vendors past performance, according to customers; and

Vendor's cost proposal.

### **B.**

Other criteria relevant to the provision of these services and to be established in the sole discretion of the vendor selection committee. The vendor selection committee will also evaluate proposals on the basis of the qualifications of the particular personnel the vendor proposes to assign

to this project, including their experience, expertise, education, and professional qualifications in the preparation of transcripts.

The AOC designates the following individuals as the vendor selection committee:

Eileen Fox, Esq., Clerk, New Hampshire Supreme Court

Donald D. Goodnow, Esq., Director, Administrative Office of the Courts

Joan Bishop, Court Coordinator

Thomas A. Edwards, Senior Systems Analyst/Programmer

## **VII. Transcript Project RFP Timeline**

Distribution of RFP: 6/21/06

Bar News  
Court Website  
State Purchasing Website  
Newspaper  
Current Approved Transcriptionists

RFP posted and sent: 6/21/06

Vendors' conference at the  
Administrative Office of the Courts at 1:00 p.m. 7/17/06

Due Date: 7/31/06

Deadline for NHJB requests for Additional information: 8/14/06

Deadline for vendors' delivery of additional information: 8/28/06

Selection of vendor: 9/5/06

Work with vendor to develop streamlined processes,  
efficient communications, and useful reports:

Begin assigning transcripts to new vendor:

## **ATTACHMENT A**

### **TRANSCRIPT FORMAT**

#### **PAPER**

The format standards for paper transcripts incorporate government standards for archival materials, as well as assure that all transcripts produced for the NHJB are produced on the same basis.

- Size - Paper size is to be 8 ½ x 11 inches.
- Weight - The weight of the paper is to be at least 13 pounds for both originals and copies.
- Type - The paper for both originals and copies are to be of chemical wood or better quality.
- Color - White paper is to be used for both originals and copies.

#### **INK COLOR**

Black ink is to be used for both originals and copies.

#### **PREPRINTED MARGINAL LINES**

The use of pre-printed solid left and right marginal lines is required. The use of pre-printed top and bottom marginal lines is optional. All pre-printed lines must be placed on the page so that text actually begins 1-1/2 inches from the left side of the page and ends 1/2 inch from the right side of the page.

#### **LINE NUMBERS**

Each page of transcription is to bear numbers indicating line of transcription on the page.

#### **TYPING**

- Type Size - The letter character size is to be 10 letters per inch. This provides for approximately 63 characters to each line. (Type should be letter quality.)
- Numbers of Lines per Page - Each page of transcription is to contain between 23 and 25 lines of text. The last page may contain fewer lines if it is less than a full page of transcription. Page numbers or notations cannot be considered as part of the count of text lines.

- Margins - Typing is to begin on each page at the 1-1/2 inch left margin and continue to the 1/2 inch right margin.
- Spacing - Lines of transcript text are to be double-spaced.
- Indentations.
- Q and A. All "Q" and "A" designations shall begin five spaces from the left margin. A period following the "Q" and "A" designation is optional. The statement following the "Q" and "A" shall begin two spaces from the Q and A. Subsequent lines shall begin at the left margin.
- Colloquy. Speaker identification shall begin on the tenth space from the left margin followed directly by a colon. The statement shall begin on the third space after the colon. Subsequent lines shall begin at the left margin.
- Quotations. Quoted material shall begin on the tenth space from the left margin, with additional quoted lines beginning at the tenth space from the left margin, with appropriate quotation marks used.
- Interruptions of Speech and Simultaneous Discussions - interruptions of speech shall be denoted by the use of a dash at the point of interruption, and again at the point the speaker resumes speaking.
- Punctuation and Spelling - punctuation and spelling shall be appropriate standard usage.
- Parentheses - parenthetical notations are generally marked by parentheses; however, brackets may be used. Parenthetical notations shall begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin. Parentheses are used for customary introductory statements such as call to order of court or swearing in a witness. Parentheses are also used for indicating non-verbal behavior, pauses, and read back/playback.
- Legibility - the original transcript and each copy are to be legible without any interlineation materially defacing the transcript.

## **CONTENT**

- Verbal - except as noted below, the transcript shall contain all words and other verbal expressions uttered during the course of the proceeding.
- Striking of portions of the proceeding - no portion of the proceeding shall be omitted from the record by an order to strike. The material ordered stricken, as well as the order to strike, must all appear in the transcript.

- Editing of speech - the transcript should provide an accurate record of words spoken in the course of proceedings. All grammatical errors, changes of thought, contractions, misstatements, and poorly constructed sentences should be transcribed as spoken. In the interest of readability, however, false starts, stutters, uhms and ahs, and other verbal tics should not normally be included in the transcripts; such verbalizations must be transcribed whenever their exclusion could change a statement's meaning.
- Transcription of Audio/Video Recordings - generally, audio/video recordings played in the court are entered as an exhibit in a proceeding. Since such recordings are under the direct control of the court, audio/video recordings need not be transcribed unless the court so directs.
- Private Communications and Off the Record Conversations - private communications and off the record conversations inadvertently recorded should not be included in the transcript.
- Call to Order, Swearing in, or Affirmation of Witnesses or Jurors - standard summary phrases shall be used for customary introductory statements. These should appear in parentheses and begin with open parentheses on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin.
- Identification of Speaker - all speakers must be properly identified throughout the transcript, initially by their full name, thereafter by the following designations or courtesy titles, in capital letters indented ten spaces from the left margin:

<u>Speaker</u>	<u>Identification</u>
The Judge	THE COURT
Attorney	MR., MRS., MS., OR MISS OR ATTORNEY + last name
Witness	THE WITNESS
Interpreter	THE INTERPRETER
Defendant	THE DEFENDANT
Non-verbal -	Designation of Portions of Proceedings and Time Occurrence (Parenthetical Notations) - parenthetical notations in a transcript are an electronic reporter's own words, enclosed in parentheses, recording some action or event. Parenthetical notations should be as short as

possible consistent with clarity and standard word usage.

The following parenthetical notations should be used to designate portions of proceedings. Designations requiring a time notation are listed first:

1. Proceedings Started, Recessed, and Adjourned, with Time of Day and Any Future Date Indicated where Appropriate.

Examples:

(Recess at 11:30 a.m.)  
(Recess at 12:30 p.m., until 1:30 p.m.)  
(Proceedings concluded at 4:30 p.m.)

2. Jury In/Out.

Examples:

(Jury out at 10:35 a.m.)  
(Jury in at 10:55 a.m.)

If a jury is involved, it is essential to indicate by the proper parenthetical notation whether the proceeding occurred in the presence of the jury, out of the presence of the jury, out of the hearing of the jury, prior to the jury entering the courtroom, or after the jury left the courtroom.

3. Bench Conferences. This designation should note whether the bench conference is on or off the record. If all the attorneys in court are not participating in the bench conference, the parenthetical notation should so indicate.

Examples:

(Bench conference on the record)  
(Bench conference off the record with Mr. Smith, Mr. Jones and Mrs. Adams)  
(Bench conference concluded)

4. Discussions off the Record. This designation should note where the discussion took place.

5. Chambers Conferences. This designation should note the presence or absence of parties in chambers.

Examples:

(Off the record Chambers Conference with Mr. Smith and Mr. Jones)

(Chambers Conference with Mr. Smith and Mr. Jones)

6. Speaker/Event Identification. References to speakers and events that occur throughout proceedings should be properly noted in capital letters, underlined and centered on the appropriate line.

Examples:

DIRECT EXAMINATION  
RECROSS EXAMINATION  
STATE RESTS

7. Read back/Playback. All read back and/or playback, should be noted as follows:

(The last question was read/played back)  
(The record was replayed)

8. Indiscernible or Inaudible Speech. Incomplete records of proceedings are unacceptable in a court of law. Procedures for transcribing inaudibles are as follows:

- a. Contact the monitor or court where the record was taken.
- b. Request assistance with the spelling of names, terms or any missing documents that would be helpful.
- c. Request a new audiotape if the quality of the tape appears to be poor or,
- d. Request the assistance of someone at the court who has access to the recording and can listen to the portions in question.
- e. Finally, make certain to complete the form entitled "Transcriptionist Recording and Log Notes Evaluation." This will be particularly important in assessing any problems the court may be having with equipment or other issues.

9. Non-Verbal Behavior, Pauses – It is the responsibility of the attorneys as well as the judge in some instances to note for the record any significant nonverbal behavior, i.e. physical gestures, and lengthy pauses on the part of a witness. If counsel or the court refers to the witness's affirmative or negative gesture, parenthetical phrases may be used to indicate physical gestures.

Example:

(Nods head up and down)  
(Shakes head from side to side)

## **TITLE PAGE**

### **Contents.**

Each transcript is to include a title page containing the following information:

- a. Court name
- b. District/level of court
- c. Case name
- d. Case number
- e. Name and title of judge or other officer presiding
- f. Type of proceeding
- g. Date and time of proceeding
- h. Volume number (if multi-volume)
- i. Name of each attorney and party represented
- j. Electronic reporter's name
- k. Transcriptionist's name, address and telephone number
- l. Method by which the proceedings were recorded and the method by which the transcript was produced.

**Record of Appearance** - beginning on the title page the transcriber is to include the complete record of appearances.

**Cost** - transcriptionists may charge for the title page as a full page of the transcript.

## **INDEXES**

Each volume is to contain an index page which is to be numbered as the 2nd page in any transcript. The index page may be charged as a full page of the transcript.

The index shall indicate the pages at which the direct examination, cross-examination, redirect examination, recross-examination, further redirect examination, and the recall of each witness begins. The index shall also indicate on behalf of whom the witness or the witnesses were called, such as "STATE'S WITNESSES," "DEFENDANT'S WITNESSES," etc.

A separate table in the index should indicate the page at which any exhibit was marked for identification and received into evidence.

## **NUMBERING**

Pages - the pages of the transcript are to be numbered in a single series of consecutive numbers for each proceeding. The page number should be placed at the top right corner of the page flush with the right margin above the first line of transcription. The page number shall not count as a line of transcript.

Volumes - each volume of transcripts should be numbered consecutively. One volume of transcript should be at least equal to one day of court proceedings. Using this method, page numbers will begin with a volume number followed by the page number.

The pages shall be numbered consecutively for an entire multiple-volume transcript.

Examples:	56 (Volume 1, page 56)
	521 (Volume 3, page 521)

## **COVER**

The transcriptionist is to cover at no extra charge the original and each copy of the transcript with front and back covers of good quality sulphite paper and heavy weight transparent plastic or similar material as the court approves.

## **PUNCHED HOLES**

The transcript shall be punched with three (3) holes in the left margin, to be 4-1/4" center to center, with the middle hole centered in the page.

## **CERTIFICATION**

The transcriptionist is to authenticate the original transcript and each copy with a certification on the last page. No additional fee is to be charged for the authentication and certification. The certification is to appear on the last page of each volume of transcript.

Sample Certification:

"I, (insert your name) a court approved transcriptionist(s), do hereby certify that the forgoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter, to the best of my professional skills and abilities."

\_\_\_\_\_  
Signature of Transcriptionist

Date

Typed or Printed Name

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